IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.Rev.Pet.No. 764 of 2002()

CRA.298/1999 of ADDL.SESSIONS COURT (ADHOC), ALAPPUZHA
CC.56/1996 of JUDL.MAGISTRATE OF FIRST CLASS COURT -I, ALAPPUZHA

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REVN. PETITIONER: APPELLANT/ACCUSED

KUNJUMON, S/O.KUMARAN,
CHIRAPARAMBU VEEDU, THONDANKULANGARA WARD,
ARYAD THEKKU VILLAGE, AMBALAPPUZHA TALUK.

BY ADV. SRI.C.C.THOMAS
SRI.NIREESH MATHEW

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF EKRALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.764 of 2002

Dated this the 26th day of July, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 58 of the Abkari Act and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.15,000/- and in default, to undergo simple imprisonment for two months.

2. The prosecution case is that the accused was found in possession of three litres of illicit arrack on 12.9.1995 at 5.30 p.m. Counsel for the revision petitioner has only pleaded for modification of the sentence pointing out that more than two years have elapsed since the commencement of the proceedings and so far the accused has been facing the ordeal of the criminal proceedings.

3. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.15,000/- which is the minimum sentence then, less the amount if any deposited, and in default, to undergo simple imprisonment

for three months. Revision petitioner is granted two months' time from today onwards to remit the fine amount. Revision petitioner shall appear before the Judicial First Class Magistrate Court-I, Alappuzha on 28.9.2007 to receive the sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl